

## **REMARKS**

The above amendment is made in response to the Office action of January 10, 2006. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claims 1-10 and 13-15 have been amended. Claims 1-23 are pending in the present application.

### ***Objection to Drawings***

Applicants have amended the specification to include reference numerals "4, 9, 11, 13, 14 and 15" and respectfully requests that this objection be withdrawn.

### ***Objection to Specification***

The Examiner has objected to the specification for informalities and advised Applicants to make corrections. Applicants have amended the specification to correct the informalities and several further amendments. No new matter has been added. Applicants respectfully request that the objection to the specification be withdrawn.

### ***Claim Rejections Under 35 U.S.C. §112***

The Examiner has rejected claims 1-23 under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have amended claims 1-10 and 13-15. In regards to claims 1 and 2, the Examiner indicates that the recitation "of the same" is unclear. Applicants have changed "of the same" to "of said single cell" so that claims 1 and 2 more clearly recite the subject matter.

In regards to claims 2 and 5, the Examiner indicates that the limitations of claims 2 and 5 have insufficient antecedent basis. Applicants have amended claims 2 and 5. Based on the above amendment, claims 2 and 5 are believed to satisfy 35 U.S.C. §112, second paragraph.

Accordingly, Applicants believe that the pending claims 1-23 particularly point out and distinctively claim the subject matter which Applicants regard as the invention. Applicants respectively request that the rejections under 35 U.S.C. 112, second paragraph, be withdrawn.

### ***Objection to Claims***

Claim 3 stands objected to for informalities. The Examiner indicates that the text "...in a structure or a lattice structure in a straight line." appears awkwardly worded. Applicants have changed the text to "...with a straight-line shaped morphology or a lattice-type shaped morphology." Applicants respectfully request that the objections to claim 3 be withdrawn.

### ***Claim Rejections Under 35 U.S.C. §103***

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143.

Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Further, even assuming that all elements of an invention are disclosed in the prior art, an Examiner cannot establish obviousness by locating references that describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would have impelled one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 U.S.P.Q. 1300 (Bd. Pat. App. Int. 1993). The references, when viewed by themselves and not in retrospect, must suggest the invention. *In re Skill*, 187 U.S.P.Q. 481 (C.C.P.A. 1975).

Claims 1-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yoo et al. (U.S. Patent No. 6,593,020) in view of Shiratori et al. (U.S. Patent No. 5,368,951).

Regarding claim 1, the Examiner states that Yoo et al. teaches all the limitations of claim 1 except for gas channels formed in an inner side and/or an outer side of the single cell, which the Examiner further states is disclosed in Shiratori et al.

Applicants have amended claim 1 as follows:

1. (Currently Amended) A solid oxide fuel cell which is characterized in that a solid oxide fuel cell having a fuel electrode, an electrolyte, and an air electrode is produced, wherein four sides or opposite two sides of corners of a single cell are downwardly bent in an inverted U shape, and gas channels are integrally formed in an inner side and/or an outer side of ~~the same~~ said single cell.

Amended claim 1 now recites, *inter alia*, that gas channels are integrally formed in an inner side and/or an outer side of the single cell. [emphasis added] In other words, the gas channels are formed in a side of the single cell such as the gas channels and the single cell are integrally embodied.

In contrast, the ribbed distributors (5 and 6), which are designated as gas channels by the Examiner, are disposed on a surface of an air electrode (2) and a surface of a fuel electrode (3), respectively, such that the distributors, the air electrode, and the fuel electrode are embodied as separate parts. There is no disclose or suggestion in Shiratori et al. of anything about gas channels integrally formed in a side of a single cell, as claimed in claim 1.

Thus, Applicants submit that neither Yoo et al. nor Shiratori et al., alone or in combination, render obvious the subject matter of claim 1.

Claims 2-23 depend directly or indirectly from independent claim 1, and thus, include all the limitations of claim 1. Accordingly, the dependent claims are patentably distinct and non-obvious over the cited references for at least the same reasons as given above for claim 1.

Accordingly, Applicants respectfully request that the rejections of claims 1-23 under 35 U.S.C. § 103(a) be withdrawn.

### ***Conclusion***

Applicants respectfully submit that remaining limitations in the depending claims are similarly distinguishable from the cited references. In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in

the application are in condition for allowance. Early and favorable reconsideration is respectfully requested.

If there are any charges due with respect to this response, please charge them to Deposit Account No. 06-1130 maintained by Applicants' Attorneys.

The Examiner is invited to contact Applicants' Attorneys at the below-listed telephone number with any questions or comments regarding this Response or otherwise concerning the present application.

Respectfully submitted,

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